STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of NICOLE WINES and TRAVIS WINES, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TODD WINES,

Respondent-Appellant,

and

BRENDA WINES,

Respondent.

UNPUBLISHED
June 30, 2000

No. 223126
Calhoun Circuit Court
Family Division
LC No. 97-000689 NA

Before: Gage, P.J., and Gribbs and Sawyer, JJ.

PER CURIAM.

Respondent-appellant (hereinafter "respondent"), biological father of the involved minor children, appeals as of right from a family court order terminating his parental rights to the children pursuant to MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). Our review of the record reveals that the family court did not clearly err in determining that these statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). We affirm.

From the time of the initial dispositional order placing the children in temporary care through the termination hearing, respondent remained imprisoned. While respondent commendably communicated regularly with the children and regularly visited one of the children, it is undisputed that respondent throughout this time failed to provide for the children's proper care and custody. *In re Joseph*

Boughan, 127 Mich App 357, 364; 339 NW2d 181 (1983) (Parental neglect involves a failure to provide an adequate home, proper food and clothing, and/or the child's emotional well-being.).

Moreover, even assuming respondent's earliest release date as September 2000, the FIA case worker testified that petitioner would not permit respondent custody of the children until he first completed a treatment plan, which would involve at least another six-month to one-year delay in the children's permanent placements. The FIA worker's and the children's counselor's testimony indicates that the children's consistently crushed expectations of their placement with a parent caused them severe emotional trauma, and that termination of respondent's and the mother's parental rights would provide the children much needed closure or finality. Under these circumstances, we conclude that the trial court did not clearly err in finding that whatever the children's ages, their immediate needs for a permanent, nurturing environment, which already had been denied them for two years, rendered unreasonable the further minimum delay of at least 1½years that respondent would require to himself establish a stable, nurturing environment. *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996) (Findings of fact are clearly erroneous when, although evidence exists to support them, this Court is left with the definite and firm conviction that a mistake has been made.); *In re Dahms*, 187 Mich App 644, 648; 468 NW2d 315 (1991) ("The trial court's decision to terminate appropriately focused not only on how long it would take respondent to improve her parenting skills, but also on how long her three children could wait for this improvement."). Clear and convincing evidence supported the family court's decision to terminate respondent's parental rights pursuant to both MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g).

Furthermore, in light of (1) the emotional damage already inflicted on these children during their temporary placements and the prospect that further damage would occur during their wait for respondent to prove his parental fitness after his release from prison, (2) respondent's candid testimony concerning his extensive and violent criminal record, (3) respondent's acknowledgment that in the past he assaulted the mother in front of the children, and (4) the children's counselor's testimony that an individual with an anger management problem would have difficulty caring for children that exhibited behavioral problems, we conclude that the trial court did not err in determining that respondent failed to demonstrate "that termination of parental rights to the child[ren] is clearly not in the child[ren]'s best interests." MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re JS & SM*, 231 Mich App 92, 98; 585 NW2d 326 (1998); *In re Conley*, *supra*.

Affirmed.

/s/ Hilda R. Gage
/s/ Roman S. Gribbs
/s/ David H. Sawyer